

January 7, 2003

NOTICE OF INDEPENDENT REVIEW DECISION

RE: MDR Tracking #: M2-03-0444-01

___ has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). ___ IRO Certificate Number is 5348. Texas Worker's Compensation Commission (TWCC) Rule §133.308 allows for a claimant or provider to request an independent review of a Carrier's adverse medical necessity determination. TWCC assigned the above-reference case to ___ for independent review in accordance with this Rule.

___ has performed an independent review of the proposed care to determine whether or not the adverse determination was appropriate. Relevant medical records, documentation provided by the parties referenced above and other documentation and written information submitted regarding this appeal was reviewed during the performance of this independent review.

This case was reviewed by a practicing physician on ___ external review panel. This physician is board certified in orthopedic surgery. ___ physician reviewer signed a statement certifying that no known conflicts of interest exist between this physician and any of the treating physicians or providers or any of the physicians or providers who reviewed this case for a determination prior to the referral to ___ for independent review. In addition, ___ physician reviewer certified that the review was performed without bias for or against any party in this case.

Clinical History

This case concerns a 39 year-old gentleman who sustained a work related injury on ___. The patient was diagnosed with a herniated disc at L4-L5, L5-S1. The patient underwent an MRI and X-Rays. The patient has been treated with oral pain medications, manipulations, and therapeutic exercise. The patient also had back surgery that included laminectomy and discectomy L5-S1, laminotomy and bilateral foraminotomies L3-4 and L4-5, lateral fusion L4-5 and L5-S1, posterior segment instrumentation L4-5, L5-S1, bone growth stimulator insertion and bone harvest.

Requested Services

Neuromuscular Stimulator.

Decision

The Carrier's denial of authorization for this device is upheld.

Rationale/Basis for Decision

___ physician reviewer indicated that neuromuscular stimulation for pain control before or after back surgery represents a passive modality. ___ physician reviewer explained that the medical records provided did not contain any literature and/or publication in a peer reviewed journal regarding the system used by the patient. (___ physician reviewer also indicated that the patient was being treated for pain with oral propoxyphene.) ___ physician reviewer further explained

that the medical records provided did not contain scientific evidence for the efficacy of the neuromuscular stimulator. Therefore, ____ physician consultant concluded that the requested neuromuscular stimulator is not medically necessary to treat this patient's condition.

This decision is deemed to be a TWCC Decision and Order.

YOUR RIGHT TO REQUEST A HEARING

Either party to this medical dispute may disagree with all or part of the decision and has a right to request a hearing.

If disputing a spinal surgery prospective decision a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings within **10 (ten)** days of your receipt of this decision. (20 Tex. Admin. Code 142.5(c)).

If disputing other prospective medical necessity (preauthorization) decisions a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings within **20 (twenty)** days of your receipt of this decision. (28 Tex. Admin. Code 148.3).

This decision is deemed received by you 5 (five) days after it was mailed. (28 Tex. Admin. Code 102.4(h) or 102.5(d)). A request for a hearing should be sent to:

Chief Clerk of Proceedings
Texas Workers' Compensation Commission
P.O. Box 40669
Austin, TX 78704-0012

A copy of this decision should be attached to the request.

The party appealing the decision shall deliver a copy of its written request for a hearing to all other parties involved in the dispute. (Commission Rule 133.308(t)(2)).

Sincerely,